UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/SR.11
25 March 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 23 March 1998, at 10 a.m.

Chairman: Mr. CHOWDHURY (Bangladesh)
(Vice-Chairman)

later: Mr. SELEBI (South Africa)
(Chairman)

CONTENTS

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (continued)

STATEMENT BY THE MINISTER OF HIGHER EDUCATION OF TUNISIA

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-11266 (E)

In the absence of Mr. Selebi (South Africa), Mr. Chowdhury (Bangladesh), Vice-Chairman, took the Chair.

The meeting was called to order at 10 a.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 12) (continued) (E/CN.4/77 and Add.1 and 2, 78, 79, 124, 125, 128 and 131; A/52/471)

1. Mr. ABRAM (World Jewish Congress) said that, in 1991, the representative of Syria had repeated the terrible canard of the 1840s that Jews killed Christian children for their blood; in March 1997, the Palestine Liberation Organization had claimed that the Israelis had injected Palestinian children with the AIDS virus; and, in August 1997, the same organization had charged that Israel used Palestinian prisoners for medical experiments. Such damnable lies could not be dismissed as mere politics. Anti-Semitism had moved from a religious to a racial and finally to a political base and disguise.

2. He took heart from the distinct change in tone since the election of the new Secretary-General and hoped that the Secretary-General's words about saving "succeeding generations from holocaust and war" would reverberate throughout the United Nations and strike home particularly with passive Member States. The Secretary-General had warned against indifference, individual or collective, and the Chairman of the Commission at its fifty-third session had said that it was unacceptable for speakers to use information which they knew, or should have known, was not correct. The future would be bright if such warnings were heeded. Evil should not be spoken within the Commission and, if it was, there should be no silent listener.

3. Mr. WADLOW (Association for World Education), after welcoming the report of the Special Rapporteur (E/CN.4/1998/79), the work of the Committee on the Elimination of Racial Discrimination and the expert seminar on the role of the Internet (E/CN.4/1998/77/Add.2), said that there had been a sharp increase in racial stereotypes in political and social discourse which would not abate by themselves. Their disintegration required the three ramparts of protection and investigation to be reinforced and more active education to be introduced on the acceptable limits of debate.

4. The first rampart was the Special Rapporteur, and every effort should be made to strengthen his capacity for sound analysis. The decision by the Commission at its fifty-third session to censor his report on an extraneous charge of "blasphemy" had been a grave error.

5. The second rampart was the Committee on the Elimination of Racial Discrimination and there was a need for greater cooperation between the Commission, its special rapporteurs, the Sub-Commission and that Committee.

6. The third rampart was the Third Decade to Combat Racism and Racial Discrimination, the high point of which would be the proposed third world conference on racism and racial discrimination, xenophobia and related intolerance, and in the preparation of which the Commission had a leading role to play.

7. The counter-pressure for a sound democratic society had also to be reinforced, partly by defining the acceptable limits of political and social debate in terms of policies that could be modified rather than of ethnic, racial or religious prejudices. The new political debate should be freed from the old and sterile images of the past.

8. Mrs. FARHI (International Council of Jewish Women) said that, while racism could take many different forms, one of the most egregious was the denial by some pseudo-historians that the genocide of Jews by Nazi Germany had ever taken place. Her organization was extremely concerned at the fact that one such, Mr. Roger Garaudy, had recently been praised within the precincts of the United Nations itself.

9. There was no need to "prove" yet again that such genocide had taken place - there was unfortunately all too much proof - but it should be pointed out that revisionists who denied its existence were invariably political or religious extremists, racists and, above all, anti-Semites. Mr. Garaudy was simply the latest in a long line of mediocre opportunists who sheltered behind their right to freedom of expression while defending ideologies of exclusion and obsessional racism which respected neither human rights nor freedom.

10. Denying the Holocaust was not an opinion but a crime, punishable under international law and in the legislation of several countries. Denial of the Armenian and Gypsy genocides was likewise unacceptable. The cynicism of those who falsified history could lead to a world in which there was no place for reason. The Commission must do everything in its power to prevent the world taking that path.

11. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism) said that the vulnerable and destitute were gravely affected by racism and racial discrimination, to which the forthcoming world conference would have to provide a response. The conference could make a significant contribution to the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, which had hardly taken shape owing to the lack of financial resources. The process of preparing for the conference should take as its guiding principles those of the International Convention on the Elimination of All Forms of Racial Discrimination, with its comprehensive definitions and its provisions on education, criminal punishment of racial propaganda, remedies for victims and so-called "affirmative action".

12. The conference should also aim at a more effective implementation of the Convention, with full use being made of the communication procedure, which had been accepted by only 25 of the 150 States parties. The Committee on the Elimination of Racial Discrimination should be fully involved in the preparations for the conference.

13. One of the most effective ways of preventing racial discrimination was education, and her organization hoped that the Sub-Commission's Working Group on Minorities would be mindful of its potential contribution to the world conference when analysing information on practical measures in the field of

education. As the Sub-Commission had suggested, the conference should also carefully consider the complicated interplay of discrimination based on race and discrimination based on other grounds.

14. Mr. Selebi (South Africa) took the Chair.

15. Mr. SAMOURA (African Commission of Health and Human Rights Promoters) said that Mauritania which, standing as it did at the crossroads of two civilizations - the Black African and the Arabic - was a member of both the Organization of African Unity and the Arab Maghreb Union, had signed the main international human rights instruments but unfortunately had a poor record for respecting and implementing them.

16. The heavy sentences handed down at Nouakchott on 5 February 1998 to five human rights defenders for their work against slavery and all forms of racism, particularly racism directed at Black Mauritanians, clearly showed the Mauritanian authorities' lack of concern for human rights. The international community should demand the immediate and unconditional release of those persons who were non-violent promoters and protectors of human rights.

17. The United Nations should also send human rights observers to Mauritania to monitor the steps taken by the authorities there to check human rights abuses. Similar action should also be taken with regard to other African countries, such as Chad.

18. Mr. GLÈLÈ-AHANHANZO (Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance), introducing his report (E/CN.4/1998/79), said that the fact that a South African Chairman was presiding over the Commission demonstrated a great triumph over racism and racial discrimination. He himself had just returned from a fact-finding mission to South Africa and had been much impressed by the country's achievements. South Africa had already restructured its army and police force, implemented affirmative action and equal opportunity programmes to reflect more accurately its racial and ethnic composition and was reforming its educational system to remove the last vestiges of apartheid from the curriculum and educational materials. The Government planned to remedy in the near future the lack of a law prohibiting racist acts or racial discrimination.

19. However, many people he had encountered in South Africa had voiced concern about the rise of xenophobia, particularly against citizens of the former front-line States. South Africa's long isolation from the rest of the Continent and the fear that migrants, both legal and illegal, and refugees would benefit from the freedom dividend before nationals had the opportunity to do so could explain that phenomenon. The relative prosperity of South Africa, which attracted migrants from countries with social and economic difficulties, and liberal legislation on asylum could have negative effects on the Government's development plan. The Government was aware of those problems and was seeking appropriate solutions.

20. As his report revealed, the global situation did not show much improvement. On the contrary, new manifestations of racism and racial discrimination were being developed using new communications technology,

particularly the Internet. Despite steps taken in some countries to combat racism and racial discrimination, more vigorous action was required at both the national and international levels. He thus reiterated his recommendation that a world conference on racism, racial discrimination and xenophobia should be convened at the earliest possible date. Measures should also be adopted at the international level to prevent the Internet from being used to incite hatred, racism and xenophobia, a human rights education programme should be developed and an exchange of experience in combating those problems should take place over the Internet.

21. Those States which had not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should be encouraged to do so and national human rights commissions should be established in those States where they did not yet exist.

22. In conclusion, he requested the States he had visited to keep him regularly informed of the steps they had taken to follow up his field missions, expressed his thanks for the cooperation he had received from many Governments which had responded to allegations of racial discrimination or xenophobia and paid tribute to the valuable work of non-governmental organizations (NGOs) in providing him with information.

23. Mr. GEBRIEL (World Federation of Democratic Youth) said that racism, racial discrimination, xenophobia and related intolerance continued to have a negative impact on millions of people, just as they had had 50 years previously. Political groups with racist agendas were using sophisticated technology to widen their outreach. In a number of European countries, political movements urging the total expulsion of immigrants and asylum seekers were rapidly gaining seats in the legislative apparatus of the State. Some countries, however, such as Switzerland, had successfully enacted laws to prohibit racist acts, and others should follow suit. In that connection, it should not be forgotten that racism had always been directly linked with the colour of a person's skin.

24. A benchmark approach to racism was needed more than ever before. The results achieved since the proclamation of the first Decade to Combat Racism and Racial Discrimination in 1973 should be carefully re-evaluated, especially when the international community was beginning its preparations for the forthcoming world conference on the subject. The Commission had been mandated to act as the preparatory committee for the conference, and all its members must work to make that event a success.

25. Mr. PIETROSANTI (Transnational Radical Party), speaking also on behalf of the International Romany Union, said that a nation of 20 million people, the Gypsy nation, was completely hidden from the world and forgotten by the news media. Gypsies, though a nation, did not wish to be a State. Their characteristics and culture cut across the traditional concepts of nation and State and, indeed, it might be said that they were the nation of globalization.

26. The only possible answer to the rights and needs of Gypsies, was the rule of law, and enforcement of the law by international and supra-national institutions. The Commission should thus request the Special Rapporteur to submit a report at its next session on discrimination against Gypsies and the Gypsy nation.

27. Ms. MORRIS (Womens' International League for Peace and Freedom) said that the decision to hold a world conference on racism, racial discrimination, xenophobia and related intolerance, was a recognition of the importance of the global fight against racism and the need for concrete action. South Africa would be an excellent location for the conference, since it was openly grappling with its apartheid past as it forged its anti-racist identity.

28. Since the quality of the preparatory process would have a significant impact on the results of the conference it should include regional meetings to identify local problems. NGOs must be a fundamental part of the preparations and their participation must be guaranteed. The creation of a research institute within the United Nations system to focus on current and emerging manifestations of racism and on the theory behind them would also be useful. The unique discrimination of gender and race combined must be addressed as a individual issue and integrated into the deliberations of the conference. In view of the deplorable lack of financing for the Third Decade to Combat Racism and Racial Discrimination, a special fund should be established for the conference.

29. Ms. CHONA (International Institute for Non-aligned Studies) said that the fact that it was still necessary to place so much emphasis on the issues of discrimination and intolerance was most disheartening since intolerance should have long since been relegated to the dustbin of history. In fact, however, religious intolerance was being used in some countries as an instrument of policy. Intolerance was not sanctioned by any religion and the quest for identity in the name of religion or ethnicity was a retrograde step and a negation of the oneness of human kind.

30. The world community should look askance at those States where constitutional and legal structures had been defined to discriminate on the basis of religion and belief, and where groups were encouraged to establish their identity by seeking to destroy the identity and ethos of others. All countries should ensure that they exorcised the demons of intolerance, racism and xenophobia.

31. Mr. CHOWDHURY (Bangladesh) said he noted with deep concern the Special Rapporteur's conclusion that there had been an alarming increase in manifestations of racism and racial intolerance and that the use of new communication technologies had led to the proliferation of new forms of racism and racial discrimination. Racism was about communities perceiving themselves in an exclusive or superior light and, consequently, discriminating against and demeaning others. It was a kind of mental apartheid and, as well as the expressly racist, there were also those who were not aware of the racist implication of their beliefs, actions or dispositions.

32. One favourite target for racism and racist-inspired discrimination and violence was migrants, particularly migrant workers. It was an area in which the national policies of host Governments contributed directly through legislative and regulatory measures aimed at protecting the domestic labour force. The fact that such legislation often went hand in hand with the so-called policy of "concentric circles", promoting regional preference, was also racist, if more subtly so. Tightening of restrictions on entry was protectionist but preferential entry to some migrants because of their origin was clearly racist. There was also an increasing number of reports of discriminatory acts against resident foreigners and immigrants.

33. His delegation was in favour of convening a world conference on racism and intolerance, whose agenda should include the question of migration and xenophobia. However, such problems needed to be addressed in a societal context: legislation was a good beginning but it was essential to open minds and hearts. Societies and communities had to learn the worth of human diversity and to celebrate it. The answer lay perhaps in education in the broadest sense of the word, namely, in the family, the home and the community.

34. Mr. FERNANDEZ PALACIOS (Cuba) said that racial discrimination, racist practices and xenophobia existed in their most alarming and insidious forms in the developed world. There were various causes. The social crisis brought about by the liberalization and globalization of economies was undoubtedly the key factor, but there was also a crisis of values resulting from a scheme of development that was intended to be imposed as the universal standard.

35. The institutionalization of xenophobic practices had reached extremely serious levels, with political parties founded upon a platform of racial exclusion making remarkable gains in many countries; although they had not yet reached a position of power in a single country, their ideas were poisoning a part of the population and infecting the traditional political parties. In addition to discrimination against racial and ethnic minorities there was discrimination against and intolerance of immigrants, who were the targets of verbal and physical violence by members of far-right political parties and extremist and xenophobic organizations. They were also the victims of growing institutionalized racism, increasingly discriminatory laws and increasingly repressive police forces.

36. There were those who wanted to refuse access to basic education and health care to legal immigrants and their children through the adoption of racist laws which not only breached international law but also disregarded the contribution those sections of the population made to the wealth of their societies.

37. A particularly complex challenge was posed by the fact that the Internet was being improperly used to disseminate ideas based on superiority and racial hatred. A recent report, submitted to the expert seminar, had listed more than 100 Internet sites and servers advocating white supremacy and racial hatred. The situation required closer attention and specific action to establish criteria and measures for responsible use of the Internet. Banning the dissemination of racist and xenophobic ideas was a legitimate and necessary restriction on freedom of expression, opinion and association, and

all reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination should be withdrawn.

38. His Government recognized the efforts being made by the Committee on the Elimination of Racial Discrimination and urged it to become more actively involved in the work of the Third Decade to Combat Racism and Racial Discrimination, although a lack of resources and of a coordinating mechanism in the Centre for Human Rights remained a major constraint on action in that area.

39. Cuba attached particular importance to the convening of a world conference against racism before the end of the century; such a conference was needed to propose practical action to tackle the problem at the national, regional and international levels.

40. Mrs. CALLANGAN (Philippines), noting the resilience and virulence of the plague of racism, racial discrimination, xenophobia and related intolerance, said that its troubling ability to take on new forms was shown by the way it had adapted to new technology and to travelling through the information super-highway. Her delegation thus called for greater vigilance and for a redoubling of efforts to stamp out racism in its myriad forms, including discrimination against minorities, migrant workers and indigenous peoples, and to that end it strongly supported the convening of a world conference.

41. The Philippines was one of the nine countries that had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and she called on other countries to do likewise. Her delegation also called for international recognition of the rights of the world's indigenous peoples; the Philippines had enacted a law which recognized all their rights.

42. Mr. SOMOL (Czech Republic) said that, while there were few minorities in his country, there were some specific problems of racism regarding the Roma minority. Mistakes made by the former Communist regime, such as a paternalistic approach on the one hand and forced assimilation on the other, had created a very difficult situation to which the Czech authorities had been paying increasing attention since it had become more visible in 1993.

43. The situation had changed dramatically in the summer and autumn of 1997, when several hundred members of the Roma community had requested asylum abroad and found themselves at the centre of media attention. During that period, there had been several attacks by skinheads against members of the Roma community and against dark-skinned foreigners the effects of which were still perceptible. Public demonstrations against racism had been held in dozens of Czech towns, and public tolerance of the skinheads had fallen very considerably.

44. The State authorities had redoubled their efforts to try to solve the problems faced by the Roma community. In December 1997, the Ministry of the Interior had instructed all town and district municipalities to appoint a "Roma Assistant and Adviser" to monitor the situation of the Roma minority at the grass-roots level and to serve as an intermediary between the municipality and the Roma community. The Ministry of Labour and Social Affairs and the

Ministry of Education had launched programmes to increase the employment of Romany people. The Government had decided to widen the network of preparatory classes for pre-school children from the Roma community to help them overcome their linguistic and sociocultural handicaps and thus prevent them being so frequently placed in special schools. The Government had also decided to train special Roma assistants for the schools to help bridge the language and sociocultural gap between teachers and pupils. An Inter-ministerial Commission for the Affairs of the Roma Community had been set up to act as a consultative and coordinating body of the Government on matters related to Roma status. It was chaired by a Minister without Portfolio, and its executive deputy chairperson was a representative of the Roma community.

45. As far as general protection against racism and racial discrimination was concerned, Czech domestic law met the most stringent criteria set by United Nations bodies. For example, the Czech Penal Code contained provisions specifically dealing with racially motivated offences, such as violence against a specific group of inhabitants, defamation of a race, incitement to national and racial hatred, and sponsoring and promoting movements aimed at suppressing the rights and freedoms of citizens.

46. Mr. RAMOS (Argentina) said that, at a time when ethnic, racial, religious and xenophobic conflicts were reviving, it was worth examining the level of hypocrisy in each and every country and the extent to which progressive-sounding statements concealed discriminatory and racist policies. Racism was above all a mask of neo-imperialism and, like class prejudice, was very often a reaction on the part of the established order, to the danger of loss of privileges. Racial conflict should be studied in a broader context because, as stated in the Special Rapporteur's report, the worsening phenomenon of discrimination against foreigners was linked to the world economic crisis.

47. In his own country, hardly anyone recognized that racism existed, but people of mixed blood and indigenous people were nevertheless despised and regarded with suspicion by those with a certain financial status, while the use of denigratory racist terms was seldom repudiated and commonly accepted. Argentina had an anti-racist policy, it had incorporated into its Constitution international standards prohibiting any form of discrimination.

48. The National Institute against Discrimination, Xenophobia and Racism, of which he himself was Chairman, acted as the legal representative of any person who felt discriminated against on racial, ethnic, religious, sexual or any other grounds affecting human dignity. It played an active role in the repudiation and clarification of anti-Semitic acts, such as the desecration of Jewish cemeteries, and was also responsible for finding persons suspected of having committed war crimes and acts of genocide during the Second World War who had sought sanctuary in Argentina.

49. Argentina had signed an agreement regularizing the situation of migratory workers, who were mainly from neighbourng countries, and possessed legislation which specifically increased the penalties for crimes committed for racial, religious and nationality reasons and criminalized the holding of discriminatory and racist attitudes.

50. Mr. IDRIS (Sudan), referring to paragraph 27, section 3, of the Special Rapporteur's previous report (E/CN.4/1997/71) in which the Koran was mentioned in a way which amounted to an attack on Islam and Muslims, said that decision 1997/125, adopted by the Commission at its fifty-third session stated quite clearly that the offensive paragraph should be deleted. His delegation reaffirmed that paragraph 27 of document E/CN.4/1997/71 should be deleted in its entirety.

51. The Special Rapporteur's current report (E/CN.4/1998/79) referred to Sudan in a number of places, mentioning that it had responded to his letter on measures adopted to curb racism (para. 74). Sudan wished to reaffirm that the allegations contained in a report which the Special Rapporteur had received from known parties regarding slavery practices involving persons taken prisoner during the war were unfounded. His Government had established a fact-finding committee which was inquiring into those allegations and into other statements regarding the enforced disappearance of persons. It had presented its findings to the relevant United Nations bodies, but had so far found nothing to support the allegations.

52. Two years previously, his Government had invited the Working Group on Contemporary Forms of Slavery to visit Sudan to look into the allegations. Commission resolution 1997/59 of the Commission, and the latest resolution adopted by the General Assembly called upon the Working Group to respond to that invitation, but a response was still awaited. His Government had also invited a number of NGOs, including Amnesty International, to visit Sudan in the context of the same investigation.

53. Sudan supported the convening of a world conference on racism and racial intolerance, and was in favour of establishing a preparatory committee for the purpose.

54. Mr. KRYLOV (Russian Federation) urged the Special Rapporteur not to limit his efforts to traditional forms of racism and racial discrimination and to pay special attention to the situation in countries which systematically failed to report to the Committee on the Elimination of Racial Discrimination. It was regrettable that, although the Special Rapporteur's mandate extended to all contemporary forms of discrimination in respect of all racial or ethnic groups, the report dealt only with the ethnic groups and forms of xenophobia expressly mentioned in the mandate. It was to be hoped that future reports would be more complete in that respect.

55. During the debate on agenda item 12, he could not remain silent regarding an event which had taken place on the eve of the opening of the session and which proved that Fascism was not yet a thing of the past. On that day, veterans of the Latvian voluntary legion of the SS, an organization stigmatized as criminal by the Nürnberg Tribunal, had commemorated the anniversary of their unit's formation by Hitler. Those men had taken part in punitive operations designed to kill tens of thousands of Russians, Jews, Belarusians and Poles, not to mention their own compatriots. It was particularly disturbing that the march had taken place with the consent of the Latvian authorities and with the participation of the Commander of Latvia's armed forces, who had held up the ex-legionnaires as an example to the country's young soldiers.

56. That event was in sharp contrast with the violent break up of a peaceful demonstration by old-age pensioners, which his delegation had mentioned in an earlier statement. The situation in Latvia should be given careful attention by the Special Rapporteur.

57. Noting that discrimination on grounds of race or nationality often led to other major violations of human rights and the denial of social, economic and cultural rights, he said that success in the struggle against racism could be achieved only by coordinated efforts on the part of the international community. His delegation was thus interested in the proposal to hold a world conference on racism and believed that specialized international meetings could be of practical use in preparing for such a conference. However, the limited means available for such purposes should be used economically and pragmatically.

58. For its part, the Russian Federation was doing its utmost to combat manifestations of racism and racial discrimination. It had duly submitted its fourteenth periodic report to the Committee on the Elimination of Racial Discrimination and would take careful account of the comments and recommendations received. Occasional manifestations of racism and xenophobia did occur, but his Government always tried to nip them in the bud.

59. On the basis of information supplied by several NGOs, his Government had investigated some alleged violations of the rights of refugees and enforced migrants and, in a number of cases, had restored the rights of the persons concerned and rescinded decisions by the local authorities. His Government had established a special commission to apply Russia's policy on nationalities policy and a bill banning propaganda for Fascism had been adopted on second reading by the State Duma in March 1997.

60. Mrs. RODRIGUEZ de FANKHAUSER (Guatemala) said that the Accord on the Identity and Rights of Indigenous Peoples, signed at Mexico City on 31 March 1995, formed part of the Accord for a Firm and Lasting Peace concluded in December 1996 and referred to in paragraph 99 of the Special Rapporteur's report (E/CN.4/1998/79). While the Agreement would be described in greater detail under agenda item 23, she would simply say that the discrimination suffered by Guatemala's indigenous population in connection with the administration of justice, which had been largely due to difficulties of access, lack of interpreters and other economic problems of various kinds, was currently being rectified by the establishment of new courts and the training of interpreters. Legislation to make ethnic discrimination a criminal offence was currently under consideration, and a review of existing legislation having possible discriminatory implications was to be undertaken by Congress. Much still remained to be done, but the first steps had been taken towards the establishment of a society in which economic, social and inter-ethnic relations were governed by principles of equality and justice.

61. Her delegation endorsed the conclusions of the expert seminar on the role of the Internet (E/CN.4/1998/77/Add.2, chap. IV), expressed its support for the holding of a world conference on racism and noted with satisfaction the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

62. Mr. ZAFERA (Madagascar) said that racial discrimination was unknown to the people of Madagascar, an island populated by immigrants of many different origins. The Constitution proclaimed the dignity of the human person and prohibited all forms of discrimination based on gender, educational level, origin, race, religious belief, opinion or financial status. Madagascar had acceded without any reservation to numerous international human rights instruments and had contributed to the best of its ability to the implementation of the programmes of the Decades to Combat Racism and Racial Discrimination and the Vienna Declaration and Programme of Action. In June 1982, it had added a new article to its Penal Code criminalizing discrimination.

63. Noting that the third Decade to Combat Racism and Racial Discrimination had failed to command sufficient interest to lead to far-reaching activities (E/CN.4/1998/78, Conclusion, para. 1), he said it was clear that a great deal still remained to be done and his delegation fully supported the recommendations contained in paragraph 134 of the Special Rapporteur's report (E/CN.4/1998/79), particularly the recommendation that a world conference on racism, racial discrimination and xenophobia should be convened as soon as possible and that the question of immigration and xenophobia should be included in its agenda.

64. Mr. HASHMI (Pakistan), having stressed his Government's deep and consistent commitment to the elimination of racism and racial discrimination in all its forms and manifestations, said that his delegation was particularly concerned at the growing trend of discrimination against Muslims or Islamophobia. In that connection, noting that a section of the Special Rapporteur's report (E/CN.4/1998/79) was entitled "Racism and racial discrimination against Arabs and Muslims", he pointed out that those terms were not synonymous. There were millions of Muslims in the world who were not Arabs and yet suffered discrimination on the grounds of their faith. The Special Rapporteur had himself drawn attention to a "resurgence of intolerance against individuals belonging to the Muslim community, especially those of Indian and Pakistani origin" in certain Western countries (para. 36).

65. The tendency to equate Islam with fundamentalism, terrorism, exclusion and bigotry was an extremely dangerous development. Fascists and extremists existed in every nation and every religion. Targeting Islamic countries and Muslim peoples seemed designed to encourage hostility and discrimination against them and such attempts deserved the condemnation of all those who believed in tolerance.

66. His delegation did not agree that the question of Islamophobia should be referred to the Special Rapporteur on religious intolerance. The phenomenon went beyond the confines of religious intolerance; like anti-Semitism, it had also racial and ethnic connotations. It was a form of xenophobia, and as such it definitely formed part of the mandate of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.

67. Responding to the allegations of xenophobic attacks on the Mohajir community in Pakistan (para. 37), he said that the movement representing the Mohajir community was a coalition partner in the current Government of

Pakistan at both the federal and the provincial levels. Mohajirs were not a racial or ethnic group; the term, an Arabic word meaning refugee, was used to designate the Muslims who had migrated to Pakistan from all parts of India at the time of independence. Pakistan's population included not only those persons who had come to Pakistan at independence but also later arrivals from India, Afghanistan and other neighbouring countries.

68. Racial discrimination was unknown in Pakistan, a functioning democracy whose people, despite the constraints of underdevelopment, had every opportunity to air their grievances and seek redress. Guided by the precepts of equality and brotherhood preached by Islam and enshrined in their Constitution, they continued to work for the complete elimination of all forms of racial discrimination throughout the world and pledged their support to all who were working towards that end.

69. Mr. BA (Senegal) said that his delegation deplored the obstacles that were continuously being placed in the way of the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. The explanation provided in paragraph 4 of the report of the Secretary-General (E/CN.4/1998/78) for the failure to provide a focal point for coordinating all the activities of the Third Decade, as requested, was not a convincing one since no additional resources would be required and such a coordinating mechanism had existed in the past. Moreover, as requested by the Commission in its resolution 1997/74, the Office of the High Commissioner for Human Rights should submit to the General Assembly a detailed report on the possibilities of financing the Programme of Action from the regular budget of the United Nations.

70. Emphasizing the great importance of the future world conference on racism and racial discrimination, he said that the success of the conference would largely depend on its preparation. His delegation thus supported the idea that regional meetings in preparation for the conference should be held in all parts of the world. The Commission should consult all parties, drawing upon their competence and experience, including not only its special mechanisms, the United Nations treaty bodies and the specialized agencies but also NGOs, the media, and all sections of society including women and young people. The year in which the world conference was held should be declared by the General Assembly to be the year of mobilization against racism and racial discrimination.

71. Turning to the question of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, he deplored the attitude of certain States which persisted in maintaining their reservations to article 4, invoking freedom of expression, although no alleged freedom could warrant incitement to racial hatred and acts of violence. He appealed to all States to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive complaints from individuals or groups of persons and called upon the High Commissioner to launch a campaign to that effect.

STATEMENT BY THE MINISTER OF HIGHER EDUCATION OF TUNISIA

72. Mr. JAZY (Tunisia) said that his country attached particular importance to the Universal Declaration of Human Rights because, as the first such document, it had opened the way to others. Tunisia, having hastened to adopt it and the Charter of the United Nations, had gone on to accede to other human rights documents, giving them primacy in its legislation. The Vienna Declaration and Programme of Action had picked up the torch, with its stress on the complementarity of all rights and the principle of non-selectivity.

73. Human rights violations, together with intolerance and extremism, were on the rise in many parts of the world. His Government continued to support all those suffering under foreign occupation or domination and fighting for their independence and freedom. In that spirit, it supported the Palestinian people in their struggle to achieve their rights through negotiation and dialogue and had itself played a role in the peace process. Israel, however, had not only not kept its promises, it had created new obstacles and actually reduced Palestinian rights. The Vienna Declaration provided the basic principles on which the peace process should be founded, with due regard for national cultures.

74. It was most regrettable that, despite the indivisibility of all rights, economic and social rights were still marginalized and violated in many parts of the world. Improvements had been noted in some States, but poverty, unemployment and illiteracy inevitably damaged the prospects of attaining all human rights. The politicization of human rights which caused divisions in the international community should be halted and dialogue should be improved.

75. Tunisia had rejected extremism and violence and had undertaken a radical programme of constitutional and legal reforms designed to strengthen the rule of law. The protection of human rights was seen as a long-term task, and his Government had endeavoured to integrate human rights into the educational curriculum at all levels. The University had a Chair of human rights education. As part of its observance of the Decade for Human Rights Education, Tunisia had established a National Council for the Teaching of Human Rights.

76. His Government believed that full enjoyment of political rights required a minimum standard of economic and social rights. Improvement of the standard of living and support for sustainable development were thus part of its human rights strategy. A National Fund had been set up to improve basic infrastructures and attack the structural causes of poverty. The National Solidarity Bank provided financing for projects such as handicraft centres and worked to encourage a spirit of initiative among vulnerable groups.

77. Tunisia had been one of the first countries to sign the Convention on the Rights of the Child and to prepare a code for the protection of children. The areas of social and legal protection overlapped where the interests of children were concerned, and parents and society shared responsibility for them.

78. Women had a special place in Tunisian society. Institutional and legal reforms had provided them with equal rights under the law in the areas of education and employment and they were encouraged to form cooperative associations and to reach the decision-making level. His Government believed that human rights would not be fully achieved until women's rights were respected.

The meeting rose at 12.55 p.m.